

# Exhibit C

## KIRKLAND & ELLIS LLP

AND AFFILIATED PARTNERSHIPS

Jeanne M. Heffernan, P.C.  
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August 3, 2018

Randall Garteiser, Esq.  
Garteiser Honea  
119 W. Ferguson Street  
Tyler, Texas 75702

Re: *Blue Spike, LLC v. Frontier Communications Corp.*

Dear Randall:

I write in response to your email dated July 30, 2018, in which Blue Spike refused the offer Frontier Communications Corporation (“FCC”) made on the same date. That email correspondence is enclosed.

In that email, you write that you sued FCC because “[h]olding companies hold the money.” But Blue Spike cannot, in good faith, sue for patent infringement a company that does not own, operate, sell, or offer for sale the accused services, on the supposition that the company has money. Had Blue Spike conducted a proper pre-filing investigation under Rule 11, it would have known that FCC is a holding company that provides no services, including the accused services. Or you did conduct a pre-filing investigation, learned that FCC is merely a holding company, decided, in bad faith, to sue FCC anyway, and for that reason you have rejected our offer to timely dismiss FCC without prejudice.

Because the parties cannot reach agreement, we will answer on behalf of FCC, set forth these facts in the answer, and move for judgment on the pleadings. If successful, we intend to seek attorney’s fees and sanctions for Blue Spike’s failure to conduct a proper pre-filing investigation (or its bad-faith decision to sue the wrong entity) and its refusal to correct the pleadings by dismissing FCC without prejudice and adding the Texas operating entity.

There are other, troubling deficiencies in the complaint you filed, which we will address in our forthcoming motion and which indicate that Blue Spike has not ceased the improper approach to filing lawsuits that has been the subject of sanctions motions against it in the past.

KIRKLAND & ELLIS LLP

Randall Garteiser, Esq.  
August 3, 2018  
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Sincerely,

A handwritten signature in black ink, appearing to read "Jeanne M. Heffernan", with a stylized flourish at the end.

Jeanne M. Heffernan, P.C.

Enclosure

cc: Stephanie Barnes, Esq.  
Clyde Siebman, Esq.

## Heffernan, Jeannie

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**From:** Randall Garteiser <rgarteiser@ghiplaw.com>  
**Sent:** Monday, July 30, 2018 2:34 PM  
**To:** Heffernan, Jeannie  
**Cc:** chonea@ghiplaw.com; Randall Garteiser  
**Subject:** Re: Blue Spike v. Frontier

We disagree that the party named is not the correct party for Frontier. Holding companies hold the money and technology, so we don't want to sue for infringement a company with no money. However, if you want to provide us the name of another Frontier plaintiff, then we will assess that information and try to reach a stipulation of dismissal without prejudice to the current plaintiff in good faith. Otherwise, we agree to substitute the proper name of the plaintiff during the Rule 26 conference stage of the litigation, as right now our pre-suit investigation has the proper plaintiff as already identified.

This week we are busy with a few deadlines, so the best way to communicate with us by email.



**Randall Garteiser** / Partner

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On Jul 30, 2018, at 11:43 AM, Heffernan, Jeannie <[jheffernan@kirkland.com](mailto:jheffernan@kirkland.com)> wrote:

Randall,

I tried you by phone just now to discuss Blue Spike's complaint, in particular the Frontier entity named as a defendant. It appears from our investigation to date that Frontier Communications Corporation, the sole named defendant, is a parent holding company and not an operating company. Please call me to discuss a possible substitution of the entity that actually operates in the State of Texas.

Best regards,

**Jeannie Heffernan**

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